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Letter dated 27 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Slovenia, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

[Original: English]

Note verbale dated 24 December 2001 from the Permanent Mission of Slovenia to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Slovenia to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and has the honour to transmit the report of the Republic of Slovenia on the implementation of Security Council resolution 1373 (2001) (see enclosure).

The Permanent Mission of the Republic of Slovenia to the United Nations avails itself of this opportunity to renew to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism the assurances of its highest consideration.

Enclosure

Report of the Republic of Slovenia on the implementation of Security Council resolution 1373 (2001)

Slovenia strongly condemns terrorism for which there is no justification. We have been actively participating in the international anti-terrorist coalition formed after the terrorist attacks of 11 September 2001. At international fora it supports and aligns itself with the initiatives and measures in the fight against terrorism adopted by the United Nations, the European Union, NATO, the Organization for Security and Cooperation in Europe, the Council of Europe and Central, Eastern and South-Eastern European countries.

Slovenia is a signatory to several bilateral and multilateral agreements or conventions relating to the fight against terrorism. These legally binding agreements define the obligations which Slovenia carries out with the relevant legislative and practical measures. In addition to those, Slovenia has been providing humanitarian and logistic aid for the people of Afghanistan and the wider region.

Pursuant to paragraph 6 of Security Council resolution 1373 (2001) and the guidance of the Security Council Counter-Terrorism Committee, the Government of the Republic of Slovenia, at its fifty-fifth session, on 20 December 2001, adopted the report on the implementation of measures in the fight against terrorism. The report is enclosed. These measures are carried out in compliance with the assumed international obligations and on the basis of applicable legislation, as well as in accordance with the decisions and guidelines of the Government of the Republic of Slovenia and the National Assembly of the Republic of Slovenia.

Operative paragraph 1

a) Prevent and suppress the financing of terrorist acts;

The Republic of Slovenia adopted the first Prevention of Money Laundering Act in 1995. The Convention of the Council of Europe on Laundering, Search, Seizure and Confiscation of the Proceeds from Crimes was ratified in 1997. All legislation is in compliance with 40 Recommendations of the Financial Action Task Force (FATF) and on the EU Council Directive on prevention of the use of the financial system for the purpose of money laundering. On 25 October 2001 a new Money Laundering Act entered into force, which is in full compliance with all international standards and represents a new quality in the field of the fight against money laundering in the Republic of Slovenia. The new Money Laundering Act introduces some essential novelties, in particular:

- defining in detail and expanding of the circle of professionals, since the Act includes notaries, accountants, auditors and tax consultants,
- extending deadlines for temporary stopping suspicious transactions, which can be, under certain conditions, extended by the Office from 48 to 72 hours,
- extending the possibility of the use of information collected in the Office for detection and prosecution of serious criminal activities (including terrorism), and for seeking pecuniary advantages, acquired through these criminal activities,
- improving provisions of the Client Identification Act, and
- explicitly defining provisions for the control of the implementation of the Money Laundering Act by supervisory agencies (Office of the Republic of Slovenia for Money Laundering Prevention, Bank of Slovenia, Securities Market Agency, Insurance Supervision Agency, Office of the Republic of Slovenia for Gaming Supervision, the Slovenian Institute of Auditors, Bar Association and the Chamber of Notaries of the Republic of Slovenia).

The applicable legislation is a sound legal basis for the implementation of measures in the field of preventing the financing of terrorism, and enables immediate implementation of FATF conclusions, adopted in Washington on 31 October 2001.

b) Criminalize the wilful provision or collection, by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts;

In the Republic of Slovenia, funds intended for the financing of terrorism can be seized on the basis of currently applicable legislation, if these funds derive from criminal offences. Should the funds intended for the financing of terrorist acts derive from legal sources, certain conditions have to be provided. One of the conditions is a suspicion that legally acquired funds would be used for the financing of a group for the purposes of perpetrating criminal offence. In compliance with Article 297 of the Penal Code the establishing of a group for the purposes of perpetrating criminal offence, a punishment exceeding five years of imprisonment may be applied. There are two criminal offences in the Penal Code indicating terrorism, i.e. terrorism (Article 355) and international terrorism (Article 388) for which the perpetrator shall be sentenced to imprisonment of over 5 years. This also means that the funds of perpetrators who associate with the aim of carrying out criminal offences linked to terrorism will be seized.

On 10 November 2001, Slovenia signed the UN Convention on the Suppressing of the Financing of Terrorism to be ratified in the first half of 2002. Before the ratification of the Convention, the Penal Code will be amended so that the financing of terrorism alone will be defined as a criminal act. Pursuant to Slovene legislation each crime may be a preliminary crime to crime of money laundering (all crime model), therefore this new crime will become a preliminary crime.

The Penal Code (Uradni list Republike Slovenije Nos. 63/94, 70/94 – amendment and 23/99 (Official Gazette of the Republic of Slovenia)) incriminates internal terrorism in Article 355 and international terrorism in Article 388:

Terrorism
Article 355

Whoever with the intention of jeopardising the constitutional order or security of the Republic of Slovenia, causes an explosion or fire, or commits any other act of violence endangering public safety, or threatens the use of nuclear materials or means of mass slaughter, thereby arousing fright and uncertainty among people, shall be punished to imprisonment for not less than three years.

International Terrorism
Article 388

(1) Whoever, with the intent of inflicting damage on a foreign country or an international organisation, kidnaps a person or commits some other act of violence, or causes an explosion or a fire, or endangers human life or property of substantial value by acts or means capable of causing danger to public, shall be sentenced to imprisonment for not less than one and not more than ten years.
(2) Whoever, with the intention of compelling a legal person, international organisation or state to perform or omit to perform a certain act, threatens to endanger or harm human life or property of substantial value by the use of nuclear force or other means of mass extermination shall be sentenced to imprisonment of not less than one year.
(3) If the criminal offence under the first and the second paragraphs of the present article entails the death of one or more persons, the perpetrator shall be sentenced to imprisonment for not less than five years.
(4) If the perpetrator, in the committing of a criminal offence under the first or second paragraphs of the present article, deliberately takes the lives of one or more persons, he shall be sentenced to imprisonment for not less than ten years or to thirty years.

In addition to the mentioned criminal offences, the Penal Code also contains the incriminations of other criminal offences, defined in international documents in the field of terrorism. Some examples: Article 144 defines the crime of kidnapping, Article 330 hijacking, Article 353 violence against the highest representatives of the State, Article 389 endangering of persons under international protection and Article 390 taking of hostages.

While drafting the analysis of the necessary amendments to the Slovene legislation in order to ratify the Convention for the Suppression of the Financing of Terrorism, it was noted that the convention requests the explicit incrimination of the financing of terrorism in national legislation. The financing of terrorism could be prosecuted in compliance with general provisions of the Penal Code on criminal support. Article 27 stipulates that any person who intentionally supports another person in the committing of a criminal offence shall be punished as if he himself had committed it or his sentence shall be reduced, as the case may be. In compliance with the second paragraph, support in the committing of a criminal offence shall be deemed to be constituted also by providing the perpetrator with the instruments of crime. Despite the above it is assessed that with the ratification of the International Convention on the Suppression of the Financing of Terrorism the financing of terrorism should be explicitly incriminated.

The Slovene criminal legislation adequately covers the provisions of the first and second paragraph of Article 8 of the Convention regarding the seizure of any funds, used or allocated for the purpose of committing criminal offences. This also applies to Articles 9, 10 and 11 of the Convention.

The issue of the refusal of the request for mutual legal assistance on the ground of bank secrecy, stipulated in the second paragraph of Article 12 of the Convention will be settled by an amendment to the Code of Criminal Procedure which has been placed on the agenda of the December session of the National Assembly of the Republic of Slovenia and will be discussed by a summary procedure. It also contains the proposal for the

amendment to Article 156 of the Code of Criminal Procedure which will enable the investigating judge, upon a proposal of the state prosecutor, in the case of investigating criminal offences, subject to criminal prosecution, to order a bank or another legal person carrying out financial business to disclose to him any information about the bank deposits of particular persons if such information might be material to detecting crimes, if required in the procedure of seizure of objects or securing claims.

The currently applicable Article 156 of the Code of Criminal Procedure limits the right of the investigating judge to order, upon a proposal of the state prosecutor, banks or another legal person carrying out financial business, to disclose to him any information about bank deposits of particular persons only to cases, in which there is suspicion that the person committed an officially prosecutable criminal offence connected to gaining pecuniary advantage.

The proposed amendment to Article 156 does not limit the right of the investigating judge to acquire certain confidential information from banks or another legal person carrying out financial business only in cases in which there is suspicion that the person committed an officially prosecutable criminal offence connected to gaining pecuniary advantage. The investigating judge is thus given an opportunity to acquire the information for investigating other criminal offences, prosecuted by an official duty (the investigating judge will need the information in order to establish a motive for the murder, high treason or international terrorism – or its financing; to find other participants in criminal offences; to find victims of these criminal offences, etc.)

The draft text of the Article shall expand the competence of the investigating judge in order to acquire the indicated information to cases in which the information is required to seize objects in compliance with Article 220 of the Code of Criminal Procedure or to secure the claim for the forfeiture of pecuniary advantage or property in the value equivalent to pecuniary advantage under Article 499 of the Code of Criminal Procedure.

c) Freeze without delay funds and other financial assets or economic resources of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or act at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities;

On the basis of the Restricted Measures Act (Uradni list Republike Slovenije No. 35/01) the Government of the Republic of Slovenia adopted the Decree on the Measures against the Taliban, in which legal and natural persons from the list of the UN Security Council are stated. A new decree on the measures against the Taliban is under preparation, which will, in compliance with the UN Security Council resolutions expand the list of legal and natural persons and organisations, related to terrorism. The Office of the Republic of Slovenia for Money Laundering Prevention duly verified all lists received from the UN Security Council in their data basis, as well as in the entire financial system of the Republic of Slovenia. The Office established that no legal or natural person availed itself of the funds in the Republic of Slovenia.

d) Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons;

See answers to subparagraphs above.

In addition, all banks are bound to inform the Office of the Republic of Slovenia for Money Laundering prevention of any financial transactions of legal and natural persons, stated in the above-mentioned lists.

Operative paragraph 2

a) Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists;

In the Chapter "Criminal Offence and Criminal Liability" of the General Provisions, the Penal Code incriminates collaboration, soliciting or supporting in the committing a criminal offence. Punishments set down for those providing support has been explained in operative paragraph 1 – subparagraph b. Only the regulation of collaborating and soliciting is, therefore, explained here. With reference to the support in criminal offence it should be added that supplying weapons can be concretely considered as support in criminal offence.

If two or more persons are engaged jointly in committing a criminal offence by collaborating in the execution thereof or by the performance of any act representing a decisive part of the committing of the offence in question (collaboration), each of these persons shall be punished according to the limits set down in the statutes for the offence in question.

Anybody who intentionally solicits another person to commit a criminal offence shall be punished as if he himself had committed it. With regard to sentences set down for the crime of terrorism and international terrorism listed in operative paragraph 1 – subparagraph b, the provision is also of importance which stipulates that anybody who intentionally solicits another person to commit a criminal offence for which the sentence of three years' imprisonment or a heavier sentence may be imposed under the statute, shall be punished for the criminal attempt even if the committing of such an offence had never been attempted.

Article 297 of the Penal Code incriminates the criminal offence of criminal association. Whoever establishes a group for the purposes of perpetrating criminal offences for which a punishment exceeding five years of imprisonment may be applied, is sentenced to imprisonment not exceeding three years. Whoever joins such a group is sentenced to imprisonment not exceeding one year. The punishment must be remitted for the founder or a member of the above group who prevents the committing of a criminal offence or provides timely information about it or discloses the organisation and its leaders. The intention to commit a criminal offence suffices for the punishment of the founder or a member of the above organisation even if the criminal offences have not been committed.

Article 309 of the Penal Code incriminates the manufacturing and acquiring of weapons and other means intended for committing a criminal offence. Whoever manufactures, acquires or keeps weapons, explosive materials or poisons which he knows to be intended for the committing of a criminal offence, or whoever provides another person with access to the same, is sentenced to imprisonment not exceeding three years. Article 310 defines the criminal offence of illegal manufacture of and trade in (acquiring, keeping, bartering, importing or exporting) weapons or explosive materials, the trade in which is completely prohibited or limited for individuals. The sentence set down for the basic criminal offence is imprisonment for not less than six months and not more than five years. If the offence involves a large quantity of or very valuable weapons or explosive materials, the perpetrator shall be sentenced to imprisonment for not less than one and not more than ten years.

b) Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other states by exchange of information;

Measures, tasks and activities of the Police relating to the prevention of terrorism can be categorised as follows:

- Obtaining operational information,
- Protection of protected persons and facilities,
- Thorough operational monitoring of all categories of foreigners (particularly those from the countries with high security risk),
- Prompt and thorough operational verification of all information indicating terrorist activities,

- Ensuring air traffic security,
- Co-ordination of tasks and measures in this field,
- Strict control over the state border.

Cooperation with foreign security bodies is conducted
- in accordance with the standards of the NCB INTERPOL work,
- by providing information relating to terrorism or international terrorism through a special cryptic system, which is our obligation since we are members of the Police Working Group on Terrorism,
- according to the principle of reciprocity,
- on the basis of signed bilateral agreements in the field of cooperation in preventing organised crime and terrorism.

c) Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens;

The control is exercised within the operative work of the Police, which, in accordance with its competencies, is engaged in discovering people for whom an arrest warrant (international or national) has been issued. The police has also ensured a relevant control over registration forms of persons accommodated in hotels, motels or in rooms rented by private persons.

d) Prevent those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens;

Crime of international terrorism under Article 388 of the Penal Code, quoted in operative paragraph 1 – subparagraph b relates to the acting against a foreign state. According to Article 120, Paragraph 1 of the Penal Code, it applies to anybody committing such a crime on the territory of the Republic of Slovenia.

The provision of Article 123, Paragraph 2 of the Penal Code should also be mentioned, which stipulates universal jurisdiction of Slovene courts and universal applicability of the Penal Code. The Slovene Penal Code is under the above provision applicable also to any foreigner who has committed a criminal offence against a foreigner country or against a foreign citizen if he has been apprehended in Slovenia and has not been extradited to a foreign country.

Slovene courts have not yet dealt with cases of crimes of international terrorism.

Provisions of the Code of Criminal Procedure (Uradni list RS, nos. 63/94, 70/94 – amendment, and 72/98) and of international conventions on the international legal aid in criminal matters are also of importance. A more detailed regulation in this regard is given in operative paragraph 2 – subparagraph f.

e) Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts;

As evident from the crime of international terrorism (Article 388 of the Penal Code), given in operative paragraph 1 – subparagraph b, the sentence set down for the basic crime is imprisonment for no less than one and no more than ten years. If the perpetrator, in committing the above crime, deliberately takes lives of one or more persons, he is sentenced to imprisonment for not less than ten years or to imprisonment of thirty years.

Pursuant to the provision of Article 37 of the Penal Code, a prison sentence may be imposed for a term not shorter than fifteen days and not longer than fifteen years. The sentence of thirty years' imprisonment may alternatively be prescribed for the intentional committing for the most serious crimes. In accordance with the above we assess

that it is clear that prison sentences for serious crimes of international terrorism are considered serious criminal acts.

> *f) Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts, including assistance in obtaining evidence in their possession necessary for the proceedings*;

The Republic of Slovenia ratified all important international documents, which contain provisions regarding international legal aid in criminal matters. Their direct application is guaranteed on the basis of Article 8 of the Constitution of the Republic of Slovenia, which stipulates that the ratified and published treaties are applied directly. The provisions regarding legal aid (petitions for legal aid and serving with a document), judgements passed by foreign courts, surrendering criminal prosecution and extradition are included in the Code of Criminal Procedure (Articles 514-537).

With regard to domestic law, as the second source in the area of international legal aid, the provisions of the Code on Criminal Procedure are clear, i.e. domestic law has a subsidiary character in relation to an international agreement.

In order to execute international legal aid in criminal matters, the provision of Article 514 of the Code of Criminal Procedure is important, which stipulates that international legal aid in criminal matters is administered pursuant to the provisions of the Code of Criminal Procedure unless provided otherwise by international agreements. In accordance with the diction of the provisions it is clear that providing international legal aid under the provisions of the Code of Criminal Procedure is of subsidiary character in relation to international agreements regulating this area. This means that international legal aid in criminal matters is administered according to the provisions of the mentioned Code only in those cases in which states have not concluded bilateral agreements or acceded to multilateral treaties.

One of the important mechanisms for the efficient implementation of international legal aid is a possibility of direct communication between Slovene and foreign judiciary authorities. The amended Code of Criminal Procedure (Uradni list Republike Slovenije, No. 72/98) stipulates that international legal aid in criminal matters is administered directly between national and foreign authorities which participate in criminal proceedings under the condition that reciprocity is applied or if so stipulated by an international agreement. Pursuant to the amended Code of Criminal Procedure, petitions for legal aid in emergency cases, under the condition of reciprocity, may be transmitted through the Ministry of the Interior (Interpol); when criminal acts relating to money laundering are in question, it may be transmitted through the competent authority for the prevention of money laundering.

In compliance with internal legislation of the Republic of Slovenia the execution of a judgement of conviction passed by a foreign court is possible if so provided by an international agreement, or if reciprocity exists.

A national court shall execute a judgement of conviction by pronouncing a sanction pursuant to criminal legislation of the Republic of Slovenia.

The Code of Criminal Procedure devotes special chapter to extradition (Articles 521-536) and foresees detailed solutions regarding the conditions for extradition as well as the individual proceeding. Article 521 stipulates that, unless provided otherwise in the international agreement, the extradition of accused and convicted persons is requested and carried out pursuant to the provisions of the Code. The Code of Criminal Procedure is thus subsidiary to international agreements.

The court decides whether all legal conditions for extradition have been fulfilled, while the final decision on extradition is issued by the Minister of Justice.

Legal conditions for extradition on which the court decides are enumerated in Article 522 of the Code of Criminal Procedure:

- a person whose extradition is requested is not a citizen of the Republic of Slovenia;
- an act which prompted the request for extradition was not committed in the territory of the Republic of Slovenia, against the Republic of Slovenia or against its citizens;
- dual criminality;
- criminal prosecution or the execution of punishment was not statute-barred;
- *ne bis in idem*;
- the identity of the person whose extradition is requested has been established;
- there is sufficient evidence to suspect that the person whose extradition is requested has committed a criminal offence for which the extradition is requested.

Pursuant to the decision of the Court that legal conditions for extradition have been fulfilled, the Minister of Justice renders a ruling, on the basis of which it is determined whether the extradition is granted or not. The Minister may also render a decision to postpone extradition because a criminal proceeding is underway against the foreigner in Slovenia or because the person serves prison sentence.

The Minister may reject extradition of a foreigner if he enjoys the right of asylum, if the military or political criminal offence is in question, and if there are other reasons, defined in international agreements.

The decision rendered by the Minister of Justice contains the conditions under which extradition is granted (a person may not be prosecuted for another criminal offence committed prior to extradition, he may not be punished for another criminal offence committed before his extradition, a severer punishment than the one to which he was sentenced may not be imposed on him, he may not be surrendered to a third country for prosecution of a criminal offence which he had committed before his extradition was granted.)

International cooperation of Police is described in Operative paragraph 2 – subparagraph b).

> *(g) Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents;*

In the Republic of Slovenia, this area is governed by the Aliens Act (Uradni list Republike Slovenije No.61/99). The provisions directly relating to the issue are the following (parts of the articles are quoted):

> Article 7
> For the purpose of entering the Republic of Slovenia, aliens must be in possession of a valid travel document, unless otherwise determined by law or by an international agreement.
>
> Article 9
> Aliens shall be refused entry into the country if they pose a threat to public order and peace, and to the security and international relations of the Republic of Slovenia, or if there is a suspicion that their presence is associated with the carrying-out of terrorist and other violent acts, illegal intelligence activities, drug possession and trafficking, or other criminal acts. The refusal of entry shall be entered in the alien's travel document, and in the record of persons who have been refused entry.
>
> Article 10
> In addition to personal, vehicle and item checks in accordance with the act governing control of the state border, the border control of aliens entering the country shall consist of a thorough examination of whether there are reasons for refusing entry into the country on the basis of Article 9 of this Act.

The border control of aliens leaving the country shall, in particular, comprise control required for protecting public peace and order, and other domestic and international interests of the Republic of Slovenia.
The bodies of the Republic of Slovenia responsible for exercising border control shall co-operate with and ensure mutual assistance of the competent bodies of neighbouring and other countries and with international organisations, in accordance with adopted international acts.

Article 20
An alien shall not be issued with a visa if there are reasons for refusing entry in accordance with Article 9 of this Act.

Article 43
A permit for residence in the Republic of Slovenia shall not be issued to an alien if there are reasons for refusing entry into the Republic of Slovenia pursuant to Article 9 of this Act, or if there are reasons for refusing to issue a visa pursuant to Article 20 of this Act;

Article 44
A residence permit may be annulled by the body which issued this permit if it is subsequently determined that there were reasons for refusing to issue a permit; if reasons subsequently arise for refusing to issue a permit; or if the alien concerned intentionally submitted incorrect data on their identity or other inaccurate data; or if the alien intentionally concealed circumstances which have a bearing on the issuing of a permit.

Article 48
A permit for permanent residence in the Republic of Slovenia issued to an alien may be annulled if there are well-founded reasons for believing that the alien concerned may pose a threat to national security or to public security and peace.

Article 50
An alien who has to be deported from the country shall be brought to the state border by the police and directed across the border. The police shall also bring to and direct across the state border an alien who is being deported on the basis of an international agreement.

Article 76
An alien who is in possession of a permit for residence in the Republic of Slovenia may be issued with a travel document for aliens if the person concerned is stateless, and if the person does not have and cannot acquire a valid travel document from his/her country of origin. A travel document for aliens may also be issued to other aliens who do not have a valid travel document if well-founded reasons exist for this.

Article 79 lays down conditions for refusing the issuing of travel documents to aliens, and for their seizure.

Article 80 lays down conditions for issuing personal identity cards to aliens, and reasons for their seizure.

For more effective implementation of measures to refuse a permit to aliens whose residence is associated with the commission of terrorist acts, the Republic of Slovenia drafted a Bill amending the Aliens Act. In this Bill, submitted for adoption to the National Assembly, the provision of Article 43 of the Aliens Act has been amended. It explicitly determines that the issuing of a permit for residence in the Republic of Slovenia may be refused if there are well-founded reasons that an alien may pose a serious threat to public order and security or to international relations of the Republic of Slovenia, or reasons that their residence in the country is associated with the commission of terrorist and other violent acts, illegal intelligence activities, drug possession and trafficking, or other criminal acts.

The new provision is of great importance since the competent body deciding on the matter is not bound to explain the reasons for refusal. This is also one of the measures to secure public interest.

In addition to the above, it has to be explained that the Citizenship Act provides for a special measure relating to the loss of citizenship, in particular the deprivation of citizenship in the case when the conduct of a Slovene citizen who is also in possession of foreign citizenship is harmful to international or other interests of the Republic of Slovenia, e.g. if a person is a member of an organisation whose activity is aimed at undermining the constitutional order of the Republic of Slovenia.

The admission to citizenship is refused to an alien whose admission would pose a threat to the national security (Article 10, Paragraph 1 Item 8 of the Citizenship of the Republic of Slovenia Act), and the executive regulation to the above provision sets out that this threat is also present when a person is a member of, participates in, supports or in any way facilitates organisations or groups preparing or committing violent acts.

At the operative level, the Police tightened control at the state border, in particular with regard to persons entering Slovenia. The implementation of all operative tasks within the country has been intensified. In cooperation with the competent authorities, concrete forms of work in ensuring security of certain facilities of particular importance (international airport, nuclear power plant) have been agreed upon. The Aliens Centre carries out certain measures to limit the possibility for persons who illegally entered the Republic of Slovenia to leave the buildings in which they are accommodated illegally or without control.

Operative paragraph 3

a) Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communications technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups;

In Slovenia, a number of formal and informal interministerial groups have been established with a view to facilitating a more efficient exchange and fluctuation of relevant information between different national institutions (Slovene Intelligence and Security Agency, Ministry of Defence – Intelligence and Security Service, Customs Administration of the RS, Ministry of Foreign Affairs, Ministry of the Economy, Ministry of Transport, Ministry of Health, Office of the RS for Money Laundering Prevention, etc.). These groups deal with and resolve current open issues and seek new, more appropriate solutions for future work.

On the international scale, the Police has, apart from the mentioned forms of cooperation (INTERPOL, PWGT, etc.), established intensive links with foreign police and security and intelligence agencies, with which relevant information on terrorism is being maintained and exchanged. Slovenia signed an agreement on cooperation with Europol on 1 October 2001.

b) Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts;

Exchange of information and cooperation in these areas is being carried out on the basis of internal legislation and ratified international treaties. For a detailed explanation see the foregoing paragraphs.

c) Cooperate, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts;

For a detailed explanation see the foregoing paragraphs.

d) Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9 December 1999;

The signing and ratification of all documents relating to the anti-terrorist fight are the priorities of the National Assembly and of the Government of the Republic of Slovenia, which is evident from the Declaration of the National Assembly on joint fight against terrorism (Official Gazette RS, No. 81/2001).

A. Instruments of universal nature

I UNITED NATIONS ORGANIZATION

1. **Convention on the Prevention and Punishment of Crimes against International Protected Persons, including Diplomatic Agents**, depositary: Secretary-General of the United Nations, New York, 14 December 1973.
Slovenia succeeded the Convention.

2. **International Convention against the Taking of Hostages**, depositary: Secretary-General of the United Nations, New York, 17 December 1979.
Slovenia succeeded the Convention.

3. **International Convention for the Suppression of Terrorist Bombings**, depositary: Secretary-General of the United Nations, New York, 15 December 1997.
Slovenia signed the Convention on 30 October 1998; the process of ratification is underway.

4. **International Convention for the Suppression of the Financing of Terrorism**, depositary: Secretary-General of the United Nations, New York, 9 December 1999.
Slovenia signed the Convention on 10 November 2001; the process of ratification is underway.

II INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

5. **Convention on Offences and Certain Other Acts Committed on Board Aircraft**, depositary: ICAO Secretary General, Tokyo, 14 September 1963.
Slovenia succeeded the Tokyo Convention.

6. **Convention for the Suppression of Unlawful Seizure of Aircraft**, depositary: the United Kingdom, The Hague, 16 December 1970.
Slovenia succeeded The Hague Convention.

7. **Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation**, depositary: the United Kingdom, the United States and the Russian Federation, Montreal, 23 September 1971.
Slovenia succeeded the Convention.

8. **Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation**, complementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft, depositary ICAO Secretary General, the United Kingdom and the Russian Federation, Montreal, 24 December 1988.
Slovenia succeeded the Protocol.

9. **Convention on the Marking of Plastic Explosives for the Purpose of Detection**, depositary: ICAO Secretary General, Montreal, 1 February 1991.
Slovenia ratified the Convention.

III INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

10. **Convention on the Physical Protection of Nuclear Material**, depositary: IAEA Director General, Vienna, 3 March 1980.
Slovenia succeeded the Convention.

IV INTERNATIONAL MARITIME ORGANIZATION (IMO)

11. **Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation**, depositary: IMO Secretary-General, Rome, 10 March 1988.
Slovenia has not yet acceded to the Convention. The relevant ministry is currently drafting the accession initiative. The initiative will be included in the programme of work of the Ministry of Transport/Government of the Republic of Slovenia for the first half of 2002.

12. **Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf**, depositary: IMO Secretary-General, Rome, 10 March 1988.
Slovenia has not yet acceded to the Protocol. The relevant ministry is currently drafting the accession initiative. The initiative will be included in the programme of work of the Ministry of Transport/Government of the Republic of Slovenia for the first half of 2002.

(e) Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council resolutions 1269 (1999) and 1368 (2001);

See the list included in the foregoing subparagraph as well as measures and legislation as set out in the relevant subparagraphs. In compliance with national measures, positions and guidelines, Slovenia fully and completely supports the above resolutions.

(f) Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts;

Article 4, Paragraph one of the Asylum Act of the Republic of Slovenia defines in detail the grounds for exemption.

Right to asylum shall not be granted to persons reasonably suspected:
- of having committed a crime against peace, a war crime or a crime against humanity as stipulated by international documents;
- of having committed a serious non-political crime in a country other than the Republic of Slovenia before being admitted to the Republic of Slovenia as refugees;
- of having committed acts contrary to the purposes and principles of the United Nations.

The last indent was added at the time of the adoption of the act amending the Asylum Act in August 2001.

The text of the Act clearly shows that the right to asylum shall not be granted to aliens having committed certain criminal offences and consequently, they are not entitled to protection - crimes against peace, war crimes or crimes against humanity as stipulated by international documents. The protection shall also not be granted to those persons who committed a serious non-political crime in a country other than the Republic of Slovenia before being admitted to the Republic of Slovenia. In the initial phase of the procedure, additional checking in respect of suspicious persons is carried out on the basis of the existing operative registers of the Ministry of the Interior.

With all persons applying for refugee status (asylum), the Police, in a preliminary interview, establishes actual reasons for acquiring refugee status as laid down in the Slovene legislation. All available information and data are

checked operatively in order to prevent possible abuse of refugee status for the commission of criminal offences relating to terrorism.

(g) Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organisers or facilitators of terrorist acts, and that claims of political motivation are not recognised as grounds for refusing requests for the extradition of alleged terrorists;

The Minister of Justice shall decline extradition of an alien, in compliance with internal legislation of the Republic of Slovenia (Article 530 of the Criminal Procedure Act), who enjoys the right of asylum in Slovenia or who has committed a military or political offence. In Slovenia, there were no instances of requests for extradition on the grounds of a political offence as yet.

See the explanation in the foregoing subparagraph.